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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF CALIFORNIA  
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9 THE WONDERFUL COMPANY LLC,  
10 CAL PURE PRODUCE, INC.,

11 Plaintiffs,

12 KEENAN FARMS, INC.,

13 Defendant.  
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No. 1:20-CV-1305 AWI EPG

**ORDER REGARDING SETTLEMENT  
CONFERENCE PROCEDURES**

15 The Court sets a settlement conference for September 29, 2021, at 1:00 p.m., in  
16 Courtroom 10, before Magistrate Judge Erica P. Grosjean.

17 The Court is willing to conduct the conference in person or remotely, by Zoom. The  
18 parties shall meet and confer and email the Court at [mrooney@caed.uscourts.gov](mailto:mrooney@caed.uscourts.gov) no later than  
19 fourteen days from today regarding their preference. If all parties do not agree to conduct the  
20 conference by Zoom, or if the parties do not email the Court within fourteen days, the conference  
21 will take place in person.<sup>1</sup>

22 Unless otherwise permitted in advance by the Court, the attorneys who will try the case  
23 shall appear at the Settlement Conference. It is recommended that pertinent evidence to be offered  
24 at trial, documents or otherwise, be brought to the settlement conference for presentation to the  
25 settlement judge. Neither the settlement conference statements nor communications during the  
26 settlement conference with the settlement judge can be used by either party in the trial of this  
27

28 <sup>1</sup> Covid-19 restrictions, such as social distancing and masks, may be required.

1 case.

2 Absent permission from the Court, in addition to counsel who will try the case being  
3 present, the individual parties shall also be present. In the case of corporate parties, associations  
4 or other entities, and insurance carriers, a representative executive with authority to discuss,  
5 consider, propose and agree, or disagree, to any settlement proposal or offer shall also be present.  
6 A representative with unlimited authority shall either attend in person or be available by phone  
7 throughout the conference. In other words, having settlement authority “up to a certain amount”  
8 is not acceptable.

9 **IF ANY PARTY BELIEVES THAT A SETTLEMENT CONFERENCE WOULD**  
10 **BE FUTILE, THEN THAT PARTY SHALL CONTACT THE COURT NOT LATER**  
11 **THAN SEVENTY-TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT**  
12 **CONFERENCE.**

13 ***Confidential Settlement Statements***

14 At least five (5) court days prior to the settlement conference, each party shall submit a  
15 Confidential Settlement Conference Statement in Word format directly to Judge Grosjean’s  
16 Chambers at [epgorders@caed.uscourts.gov](mailto:epgorders@caed.uscourts.gov). The statement shall not be filed on the docket or  
17 served on any other party. Each statement shall be clearly marked "confidential" with the date  
18 and time of the settlement conference clearly noted on the first page. The Confidential Settlement  
19 Conference Statement shall include the following:

- 20 A. A brief statement of the facts of the case.
- 21 B. A brief statement of the claims and defenses, i.e., statutory or other grounds  
22 upon which the claims are founded; a forthright evaluation of the parties'  
23 likelihood of prevailing on the claims and defenses; and a description of the major  
24 issues in dispute.
- 25 C. A summary of the proceedings to date.
- 26 D. An estimate of the cost and time to be expended for further discovery, pretrial  
27 and trial.
- 28 E. The relief sought.

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F. The party's position on settlement, including present demands and offers and a history of past settlement discussions, offers and demands.

IT IS SO ORDERED.

Dated: July 6, 2021

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE